THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 19201 OF 2006

DATED: 18.09.2006

Between:

Bollavarapu Jorge Washington S/o Peturu
R/o Takellapadu, Mandavalli Mandal,
Krishna District and another.

...
PETITIONERS

And:

District Collector, Krishna District and others.

...**RESPONDENTS**

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ORAL ORDER:

Petitioners' lands in an extent of Acs. 0.25, 0.97 and 0.78 cents, in all Acs.2.00 in Sy.Nos.10/1A, 10/1B and 10/2A respectively of Tekellapadu village, Mandavalli Mandal Krishna District , in which there are stated to be fish tanks, are sought to be acquired for providing house sites for weaker section people. As the urgency clause has not been invoked and the enquiry under Section 5-A of the Land Acquisition Act, 1894 (for short 'the Act") not dispensed with, all the objections urged by the petitioners in this writ petition to the acquisition proposal, could be urged in the enquiry under Section 5-A of the Act. The respondents, as the executive agency, exercising the power of eminent domain under the Act, have a spectrum of policy decision choices, which are not normally amenable to review Article 226 of the Constitution of India.

On the aforesaid analysis, the writ petition is dismissed. The petitioners are at liberty to lodge their objections in the enquiry to be conducted under Section 5-A of the Act. All the

objections urged by the petitioners shall be considered and the

decision of the competent authority under Section 5(A)(2) of the Act, shall reflect consideration of the several objections of the petitioners and a reasoned written decision on the petitioners' objections shall be communicated to the petitioners before they are dispossessed, so as to enable them to pursue their remedies against the decision of the competent authority, should they so desire. There shall be no order as to costs.

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18.09.2006

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